

# Notice of Allowability

Application No.

10/054,536

Examiner

S. Devi, Ph.D.

Applicant(s)

WAKAMIYA, NOBUTAKA

Art Unit

1645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendment 08/04/05.
2. ☒ The allowed claim(s) ~~is/are~~ 14-16, now renumbered as claims 1-3 respectively.
3. ☒ The drawings filed on 10 January 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☒ Certified copies of the priority documents have been received in Application No. 09/600,950.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **ATTACHMENT TO NOTICE OF ALLOWABILITY**

### **Applicant's Amendment**

- 1) Acknowledgment is made of Applicant's after-final amendment filed 08/04/05 in response to the final Office Action mailed 06/29/05.

### **Examiner's Amendment**

- 2) An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicants, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. The authorization to prepare this Examiner's amendment was provided by Mr. David A. Gass in a telephonic interview on 19 August 2005.

This application has been amended as indicated below:

- (a) In line 4 of claim 14, the limitation --wherein the CHO cell lacks-- has been inserted after the limitation 'cell'.
- (b) In claims 15 and 16, all occurrences of the limitation 'about' are deleted.
- (c) In line 2 of claim 15, the limitation 'a peak molecular weight' is replaced with the limitation --a specific peak at molecular weight--.
- (d) In line 2 of claim 16, the limitation 'dual peak molecular weights' is replaced with the limitation --specific peaks at molecular weights--.

In the last line of the 'Abstract' filed 01/22/02, the limitation 'in the absorbance (280 nm) in gel chromatography' is replaced with as determined by 280 nm absorbance in gel-filtration chromatography'.

### **Status of Claims**

- 3) Claim 17 has been canceled via the amendment filed 08/04/05.  
Claims 14 and 16 have been amended via the amendment filed 08/04/05.  
Claims 14-16 have been amended via this Examiner's amendment.  
Claims 14-16 are pending and are under examination.

### **Rejection(s) Moot**

**4)** The rejection of claim 17 made in paragraph 12 of the Office Action mailed 06/29/05 under 35 U.S.C. § 112, first paragraph, as containing new subject matter, is moot in light of Applicant's cancellation of the claim.

**5)** The rejection of claim 17 made in paragraph 13(f) and 13(h) of the Office Action mailed 06/29/05 under 35 U.S.C. § 112, second paragraph, as being indefinite, is moot in light of Applicant's cancellation of the claim.

### **Rejection(s) Withdrawn**

**6)** The rejection of claim 14 and those dependent from claim 14, made in paragraph 12 of the Office Action mailed 06/29/05 under 35 U.S.C. § 112, first paragraph, as containing new subject matter, is withdrawn in light of Applicant's amendment to the claim

**7)** The rejection of claim 14 made in paragraphs 13(a) and 13(b) of the Office Action mailed 06/29/05 under 35 U.S.C. § 112, second paragraph, as being indefinite, is withdrawn in light of Applicant's amendment to the claim.

**8)** The rejection of claim 16 made in paragraph 13(c) of the Office Action mailed 06/29/05 under 35 U.S.C. § 112, second paragraph, as being indefinite, is withdrawn in light of Applicant's amendment to the claim.

**9)** The rejection of claim 14 made in paragraphs 13(d) and 13(e) of the Office Action mailed 06/29/05 under 35 U.S.C. § 112, second paragraph, as being indefinite, is withdrawn in light of Applicant's amendment to the claim.

**10)** The rejection of claim 14 made in paragraph 13(g) of the Office Action mailed 06/29/05 under 35 U.S.C. § 112, second paragraph, as being indefinite, is withdrawn in light of Applicant's amendment to the claim.

**11)** The rejection of claims 15 and 16 made in paragraph 13(h) of the Office Action mailed 06/29/05 under 35 U.S.C. § 112, second paragraph, as being indefinite, is withdrawn in light of Applicant's amendment to the claims.

### Remarks

- 12)** Claims 14-16, now renumbered as claims 1-3 respectively, are allowed.
- 13)** Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile transmission. Papers should be transmitted via the PTO Fax Center, which receives transmissions 24 hours a day and 7 days a week. The transmission of such papers by facsimile must conform with the notice published in the Official Gazette, 1096 OG 30, November 15, 1989. The Fax number for submission of amendments, responses or papers is (571) 273-8300.
- 14)** Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAG or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.Mov>. Should you have questions on access to the Private PAA system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).
- 15)** Any inquiry concerning this communication or earlier communications from the Examiner should be directed to S. Devi, Ph.D., whose telephone number is (571) 272-0854. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 7.15 a.m. to 4.15 p.m. except one day each bi-week, which would be disclosed on the Examiner's voice mail system.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lynette Smith, can be reached on (571) 272-0864.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1600.

August, 2005

  
S. DEVI, PH.D.  
PRIMARY EXAMINER